



IFW

P.O Box 291  
Portage, WI 53901  
September 5, 2005

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

re: U.S. APPLICATION NUMBER: 10/680830  
FILING DATE: 09/15/2003  
NAME OF APPLICANT: Timothy Raymond Cronin  
TITLE OF INVENTION: Certified protection from subliminal  
content for recordings.

Dear Sirs:

After almost two years of watching my mailbox for word about my pending patent, application number 10/680830, to my delight I received a letter on 03SEP05 from the USPTO.

After my original filing which I sent by USPS Express Mail on 07OCT03 I waited for a long time. Then on 27JUL04 I called phone #(703) 305-4700. The lady I talked to at that number said my application had just recently been sent to an examiner "due to backlog." And that it just got into the system, and that I'd be sent notice.

After hearing nothing from the USPTO, I called again on 02NOV04, and was told no specifics. But only that my application was still being processed and the patent hadn't been issued yet. So, after hearing nothing, I called phone #(703) 305-4700 again on 26JAN05 and was told that my application was undergoing "pre-exam processing." But I subsequently still heard nothing from the USPTO.

So I called again on 28JUL05, and finally got connected to phone #(703) 308-1202. The lady I talked with said to me, with some concern in her voice, "I see that" when I told her that I had put my application in in the fall of 2003. She told me that my application was probably "lost in cyberspace." I asked her if there was anything I needed to do. Her answer: "no." So I asked her if it would be taken care of. Her answer: "yes."

But I got no response from the USPTO. So on 12AUG05 I called phone #(703) 308-1202, and was told that that number had been changed to (571) 272-4000 (office of initial patent application). I called phone #(571) 272-4000, and talked

with Mrs. Robinson. I told her I had already made my application. She told me she knew that I had already paid my filing fee. And I was told my filing date was October 15, 2003. She asked me to send her a copy of my original application via USPS Express Mail which I did promptly. But I included a letter (see enclosed copy of that letter) in which I tried to reinforce the idea that I was obviously not trying to file a new application.

I had asked her how I could know that the information she asked me to send to her would, if I did send it, not also be lost in cyberspace. She told me nothing in life is certain. So I asked her to wait a moment while I formulated a question which would make more sense. This seemed to me to prompt her to consider ways to advance my application. She briefly mentioned faxing, but I think to try to save me money she decided it would be best if I used Express Mail, which was less expensive. I was given to understand that she would get my original application processed timely. I thought I made it clear that I did not want to re-file my application.

But I called the "private number" which Mrs. Robinson gave me on 12AUG05 to see whether or not what I had sent to her was sufficient. But I got an [Audix (?)] automatic voice recording answering extension 168 for "Linda McDowel" (phonic spelling). No one answered, so I pressed "0" as per automatic instructions for assistance and let the phone ring for over ten minutes after which time I hung up.

But I called back right away, and left a recording for Linda McDowel stating my application number, 10/680830, and that I'd talked with Mrs. Robinson on 12AUG05. That I'd sent a copy of my application which had arrived that very day at the USPTO (15AUG05). And that I wondered whether or not I needed to send more information. I said that I had included a letter with the copy of my application which I sent to Mrs. Robinson. Also, I stated that I had called the USPTO several times before, and what the results of those calls were. I asked to be contacted by mail.

But I heard nothing back, so on 23AUG05 I called phone #(571) 272-4000 and told Mrs. Day, the lady I talked with, that I had sent my original application in the fall of 2003, called the USPTO a few times or so, finally talked with Mrs. Robinson and sent a copy of my original application; but, still, got nothing.

Mrs. Day said my application hadn't been classified or reviewed. I asked whether or not I could be sent a postcard or something letting me know when it was reviewed. Mrs. Day said "give me two weeks" after which time she said I should call back if I hadn't received anything. And, sure enough, in less than two weeks I got my first letter from the USPTO

(not including the postcard with my original application number on it).

But when I received the letter last week from the USPTO I was unpleasantly surprised by an application date which had apparently been bumped forward by almost two years. And I was asked to pay fees, late fees, and a surcharge totaling \$1130.00, which seems to relate partly to an issuance fee amount, but which appears additionally to be a request for an initial filing fee and related charges. But I can prove that I paid the whole \$385.00 basic filing fee in October 2003 (I had sent a check along with my original application).

Consequently, I ask that the USPTO fix this problem. That is, have my original patent application examined, and let me know timely the determination of its status (actually, the copy of my original application, which I had recently sent to Mrs. Robinson, seems to have been examined already: about which more below). And I ask that the erroneous requirements of the missing parts formalities letter (I did sign the original application, and I did pay the filing fee) be canceled. And that both the new but wrong filing date and new but wrong application number be expunged. Also, I ask that the issuance fee be waived after notice of allowance due to the inconvenience I've already encountered. In particular the long initial delay, and the current mix-up which especially owing to the changed application date has required me to produce this difficult communication.

When Mrs. Robinson, phone #(571) 272-4000, asked me on 12AUG05 to send her a copy of my original application she gave no indication that it had to be complete, and I purposefully did not sign it so as to try to avoid just the problems which nevertheless subsequently occurred. As I mentioned above, a copy of my letter to Mrs. Robinson is enclosed: please note that I was explicit in my efforts to prevent what materials I sent to her from being confounded with my original patent application (which I did sign with my full name).

Yet, except for my signature, the copy of my original application which I sent to Mrs. Robinson on 12AUG05 did contain all of the information of the original. The "missing parts" notice asks for an "abstract of the technical disclosure." I didn't include one originally because the idea which I'm trying to get patented is so simple that I mistakenly thought that the patent title was almost self-explanatory. To correct that error I've included on a separate sheet an Abstract Of The Disclosure, and on another sheet a new page six of my application plus a "version with markings to show changes made"(please see).

I do manual labor for a living. The cost to me of my application

including the two Express Mail mailings and many long distance phone calls has been over \$400.00. I have not been able to locate in the packet of information sent to my in 2003 by the USPTO an explanation of why there is an examination fee: I thought that was part of the application fee. If after reading this letter and its included enclosures the USPTO still determines that I need to pay certain fees to have a patent granted for my idea, then please let me know what those fees are, and where they are to be sent.

If a guest at the retail store I work for paid over \$400.00 and after almost two years got nothing for that money, that retailer would be in trouble. I know the U.S. is at war, and that it has just suffered a terrible natural disaster. But perhaps we can agree that the U.S. is not hopeless. That there is a value in not giving up — In not abandoning maintenance of the nation's infrastructure, such as an effective patent mechanism. I again ask for your help in fixing this problem. And I thank you for your consideration of this request.

Sincerely,



Timothy Raymond Cronin

P.S. I intend to send this same letter to:

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Enclosures